

MINUTES OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST

The regular meeting of the City Council of the City of Lake Forest held January 6, 2015, at the Lake Forest City Council Chamber, 25550 Commercentre Drive, Lake Forest, California, was called to order at 5:30 PM.

ROLL CALL:	Council Members:	Dr. Jim Gardner Adam Nick Dwight Robinson Andrew Hamilton
	Mayor Pro Tem:	Scott Voigts
	Mayor:	
	City Manager:	Robert C. Dunek
	City Attorney:	Scott C. Smith
	City Clerk:	Stephanie D. Smith

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Nick v. City of Lake Forest
Case Number: 30-2011-00489104-CU-WM-CJC
2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(d)(4)
Number of potential cases: 1
3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: APN: 104-143-46 and 104-143-47
Agency negotiators: City Manager, Assistant City Manager and City Attorney
Negotiating parties: Baker Ranch Properties, LLC
Under Negotiation: Price and Terms of Payment for Land for On-Site Public Facilities

ACTION: Conducted Closed Session, with Council Member Nick and City Attorney Smith joining the Closed Session at 6:00 p.m. for Agenda Items 2-3.

RECESS: City Council recessed from Closed Session at 7:02 p.m. for the purpose

of conducting regular City business.

RECONVENE: City Council reconvened at 7:06 p.m. to continue regular City business.

PUBLIC SESSION

INVOCATION: The Invocation was led by Reverend Kathryn McCullough, The Mission Church, Lake Forest.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Council Member Hamilton.

CLOSED SESSION REPORT:

City Attorney Smith stated there was no reportable action. Mr. Smith stated that with regard to the first item on the agenda, he had a conflicting interest under rules of professional conduct and did not participate in discussion of the item. Further, Mr. Smith reported Council Member Nick, as a party to the litigation, also recused himself.

PRESENTATIONS:

4. INTRODUCTION OF NEW EMPLOYEE - WILLIAM "BILL" BARRY, COMMUNITY SERVICES SENIOR RECREATION COORDINATOR submitted by Deputy City Manager/Director of Management Services.

MOTION: It was moved by Council Member Robinson, second by Mayor Voigts, to approve the introduction of William Barry as the Senior Recreation Coordinator in the Community Services Department.
MOTION UNANIMOUSLY CARRIED.

CITY COUNCIL CEREMONIAL ITEMS

5. COMMENTS BY NEW MAYOR submitted by City Clerk.

ACTION: Mayor Voigts presented remarks on his 2015 term of office.

REPORT FROM STUDENT LIAISON:

Joseph Hana, Student Liaison, El Toro High School, presented his report.

PUBLIC COMMENTS:

The following members of the public offered comment:

Eric Garretson, Lake Forest resident, spoke regarding converting Village Pond Park to an off leash dog park to eradicate the birds. He also spoke in support of medical marijuana dispensaries.

Gregory Sprague, Lake Forest resident, spoke regarding Police Services and department responsiveness.

Marcia Rudolph, Lake Forest resident and Member of the Orange County Vector Control Board of Directors, spoke regarding mosquito vectors.

Bill La Fave, Lake Forest resident, spoke regarding election signage, requesting the Council repeal the campaign sign permissions for public right of way.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 6)

6. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer.

MOTION: It was moved by Council Member Robinson, second by Mayor Pro Tem Hamilton, to approve the warrant register in the amount of \$3,120,286.32 as submitted. MOTION UNANIMOUSLY CARRIED.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7-11)

MOTION: On motion by Council Member Robinson, second by Council Member Gardner, the City Council approved Agenda Item Nos. *7 to *11. MOTION UNANIMOUSLY CARRIED.

- *7. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: Waived reading, by title only, of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda were determined to have been read by title and further reading waived.

- *8. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

HELD ON DECEMBER 2, 2014, submitted by City Clerk.

ACTION: Approved as submitted.

- *9. AUDIT REPORTS - YEAR ENDED JUNE 30, 2014 submitted by Director of Finance/City Treasurer.

ACTION: Received and filed the report.

- *10. CARRYOVER REVENUES AND APPROPRIATIONS submitted by Director of Finance/City Treasurer.

ACTION: Adopted Resolution No. 2015-01 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING THE OPERATING BUDGET FOR FISCAL YEAR 2014-15 AND THE CAPITAL IMPROVEMENT PROJECTS BUDGET FOR 2013-15.

- *11. FIRST AMENDMENT TO THE LAKE FOREST GOLF CENTER LEASE submitted by Assistant City Manager.

ACTION: Approved the First Amendment to the City's lease with the Lake Forest Golf Center and authorized the City Manager to execute, and the City Clerk to attest, the document.

DISCUSSION/ACTION ITEMS:

- 12. CONTRACT AWARD FOR TREE MANAGEMENT SERVICES submitted by Director of Public Works/City Engineer.

Assistant City Manager Belmer introduced Director of Public Works/City Engineer Tom Wheeler who presented the staff report dated January 6, 2015.

The following members of the public offered comment:

Patrick Mahoney, West Coast Arborists, thanked the City for the previously awarded contracts.

Scott Griffiths, Great Scott Tree Service, commented their bid included conducting an inventory of all City trees, making recommendations for replacement where necessary, and working with staff to develop a master plan, all at no additional charge.

Council discussion ensued.

Mayor Pro Tem Hamilton inquired as to the method used in identifying bidders. Director of Public Works/City Engineer Wheeler responded the City utilizes the online plan rooms, posts bids on the City website, advertises in the newspaper, and sends notices to all interested bidders on the City's vendor list.

Responding to Council inquiry, Mr. Wheeler noted the bids were higher than the previously awarded contract because the Scope of Work included an increased level of service, trimming the existing trees more often than in previous years. He reported trimming more often helps keep the trees healthy, and reduces the likelihood of trees causing property damage or personal injury, resulting in claims against the City.

Council discussion continued.

MOTION: It was moved by Council Member Robinson, second by Council Member Gardner to approve staff's recommendation.

SUBSTITUTE MOTION: It was moved by Mayor Pro Tem Hamilton, second by Mayor Voigts, to reject all bids and re-solicit bids for the project. MOTION CARRIED with Council Member Robinson and Council Member Gardner opposed.

Council discussion continued.

Staff requested direction as to the Scope of Work, stating without modifying the Scope of Work the bid results are anticipated to be the same.

Mayor Voigts stated his belief the software requirement was difficult for some bidders to meet. Director of Public Works/City Engineer Wheeler stated the software requirement could be modified to ensure all bidders were equally accommodated.

The following members of the public offered comment:

Scott Griffiths, Great Scott Tree Service, stated a large portion of the contract was for the removal of dead trees.

Patrick Mahoney, West Coast Arborists, commented the software

requirement was a large deterrent in the preparation of their bid. He stated removing that requirement is important to their ability to compete in the bid process.

David A. Bass, Lake Forest resident, spoke about the importance of maintaining an effective database of trees from a risk management standpoint, and commented that having information on maintenance and trim cycles is crucial to defending the City when lawsuits arise.

Kathryn McCullough, Lake Forest resident, spoke regarding the dangers of eucalyptus trees not being trimmed or maintained properly and requested the Council act quickly to approve a contract for tree maintenance.

MOTION: It was moved by Council Member Robinson, second by Council Member Gardner, to reconsider the award of contract for tree maintenance services. MOTION UNANIMOUSLY CARRIED.

Assistant City Manager Belmer stated, for clarification, the proposed contract is for a six month term. He stated Council may consider awarding the contract for six months, and direct staff to prepare revised bid specifications for Council's review. During the six month term of the contract, staff would advertise for bids and present a new contract for Council's consideration at the end of the contract term under consideration this evening.

MOTION: It was moved by Council Member Robinson, second by Council Member Gardner, to 1. Award a contract in the amount of \$259,995 to Great Scott Tree Service for Tree Management Services; 2. Reject all other bids; 3. Authorize the Mayor to sign, and the City Clerk to attest, the agreement with Great Scott Tree Service substantially in the form attached; 4. Authorize the City Manager to approve contract change orders up to a maximum of ten (10%) of the contract amount. 5. Direct staff to prepare revised bid specifications for Council consideration and contract award prior to June 30, 2015. MOTION CARRIED with Mayor Pro Tem Hamilton opposed.

13. RESOLUTION IN SUPPORT OF PROPOSITION 13 submitted by City Manager.

Assistant City Manager Belmer presented the staff report dated January 6, 2015.

MOTION: It was moved by Mayor Voigts, second by Council Member Nick, to adopt Resolution No. 2015-02 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, IN SUPPORT OF PROPOSITION 13. MOTION UNANIMOUSLY CARRIED.

14. CONSIDERATION OF THE COMMISSIONER SELECTION PROCESS submitted by City Clerk.

Assistant City Manager Belmer presented the staff report dated January 6, 2015.

Mayor Pro Tem Hamilton commented he felt maintaining the 3-minute presentation from applicants was important, and he supported the idea of maintaining an eligibility list in the event there are vacancies throughout the year.

Mayor Voigts stated the questionnaire had recently been lengthened to provide additional information and he supported eliminating the mandatory question and answer period.

Council Member Gardner commented the questionnaire should be tailored in the future to more closely match the Commission being recruited for.

The following member of the public offered comment:

Tom Cagley, Lake Forest resident, stated he was withdrawing his application for Planning Commissioner, and that he supported the full application/questionnaire process.

Council discussion ensued.

MOTON: It was moved by Mayor Pro Tem Hamilton, second by Council Member Gardner, to eliminate the sequestered interview, have all potential applicants in the Council Chambers during the 3-minute applicant presentation, with Council follow-up questions as desired, and to maintain an applicant eligibility list for a period of one year in the event of unexpected vacancies. MOTION UNANIMOUSLY CARRIED.

15. DISCUSSION REGARDING POTENTIAL WILDLIFE ORDINANCE submitted by City Manager.

Assistant City Manager Belmer introduced Senior Management Analyst Tomaino who presented the staff report dated January 6, 2015.

Council Member Gardner commented his proposed ordinance would only apply to Village Pond Park and he supported use of the Administrative Citation program for enforcing the provisions of the ordinance.

Council Member Robinson stated his belief the issue is enforcement and asked for information on implementation of such an ordinance.

Council Member Gardner responded the information on enforcement, implications, cost, etc., could be presented when the Council considers the ordinance at Introduction.

Council discussion ensued.

MOTION: It was moved by Council Member Gardner, second by Council Member Robinson, to direct staff to prepare an ordinance for first reading prohibiting the feeding of wildlife at Village Pond Park. MOTION UNANIMOUSLY CARRIED.

16. METHOD AND PRACTICE FOR COUNCIL-INITIATED ITEMS BEING PLACED ON THE AGENDA submitted by Deputy City Manager/Director of Management Services.

Assistant City Manager Belmer presented the staff report dated January 6, 2015.

Council Member Robinson indicated he had originally supported the concept of two Council Members achieving consensus for the purpose of placing items on the agenda, however believes that practice has created challenges from the agenda management perspective.

Council Member Gardner stated his belief the direction given to staff should be very specific, to eliminate the need for items to be heard multiple times before approval by the Council, and that a priority level should be added to the consensus decisions.

Council discussion ensued.

MOTION: It was moved by Council Member Robinson, second by Council Member Gardner, to define Council consensus as three

members of the City Council for the purposes of placing items on future City Council agendas. It was further moved to revisit this discussion in six months to review any potential effects of the change. MOTION UNANIMOUSLY CARRIED.

17. ANNUAL CITY COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, COMMITTEES AND AGENCIES submitted by City Clerk.

City Clerk Smith presented the staff report dated January 6, 2015.

MOTION: It was moved by Mayor Voigts, second by Council Member Gardner, to appoint Council Member Nick to the California Joint Powers Insurance Authority Board of Directors. MOTION UNANIMOUSLY CARRIED.

MOTION: It was moved by Council Member Hamilton, second by Mayor Voigts, to appoint Mayor Voigts as Primary Member and Council Member Gardner, as alternate, to the Transportation Corridor Agency. MOTION UNANIMOUSLY CARRIED.

MOTION: It was moved by Mayor Pro Tem Hamilton, second by Mayor Voigts, to appoint Mayor Pro Tem Hamilton to the Newport Bay Watershed Authority. MOTION UNANIMOUSLY CARRIED.

MOTION: It was moved by Mayor Voigts, second by Council Member Gardner, to adopt Resolution No. 2015-03 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS, appointing Council Member Robinson as Primary Member and Mayor Voigts as Alternate. MOTION UNANIMOUSLY CARRIED.

MOTION: It was moved by Mayor Voigts, second by Council Member Hamilton, to appoint Council Member Gardner to the Orange County Public Library Advisory Board. MOTION UNANIMOUSLY CARRIED.

MOTION: It was moved by Mayor Voigts, second by Council Member Nick, to appoint Mayor Pro Tem Hamilton to the South Orange County Watershed Authority. MOTION UNANIMOUSLY CARRIED.

MOTION: It was moved by Council Member Hamilton, second by Council Member Gardner, to approve FPPC Form 806 and authorize the City Clerk to post the form on the City's website. MOTION UNANIMOUSLY CARRIED.

CITY MANAGER'S REPORT:

Assistant City Manager Belmer reminded the public about the New Business Reception to be held on January 14, 2015 cohosted with the Lake Forest Chamber of Commerce.

CITY COUNCIL COMMENTS:

Council Member Gardner commented on the important issues mentioned by Mayor Voigts during the Mayor's opening remarks, and reported he is producing a monthly article about upcoming events which can be found on the Lake Forest Patch online service. He requested consensus to agendize a discussion regarding possible quarterly meetings held jointly with the City Councils of Lake Forest, Irvine, and Mission Viejo.

CONSENSUS: Staff directed to agendize a discussion regarding holding quarterly joint meetings with the City Councils of the Cities of Lake Forest, Irvine and Mission Viejo.

Council Member Nick thanked the audience for attending.

Council Member Robinson offered no comments.

Mayor Pro Tem Hamilton wished the audience a Happy New Year.


Mayor Voigts thanked the audience for attending and thanked his colleagues for the opportunity to serve as Mayor in 2015.

CONTINUED CLOSED SESSION:

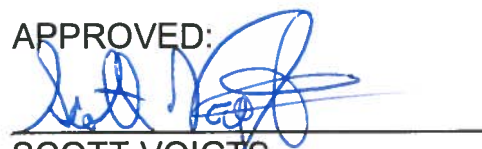
There was no Continued Closed Session.

ADJOURNMENT: The regular meeting of the Lake Forest City Council was adjourned at 9:34 p.m.

Respectfully submitted:


STEPHANIE D. SMITH, MMC
CITY CLERK

APPROVED:


SCOTT VOIGTS
MAYOR